

JAN 22 2007



1040 Broad Street, 2nd Floor, Shrewsbury, New Jersey 07702
Tel: (732) 935-7100 Fax: (732) 935-7122
www.moseriplaw.com

FACSIMILE COVER SHEETTHIS MESSAGE HAS 3 PAGES INCLUDING THIS SHEET

TO: Commissioner for Patents – U.S. Patent Office
FAX NO.: (571) 273-8300
FROM: Alan Taboada
DATE: January 22, 2007
MATTER: Serial No. 10/579,426 Filed: May 12, 2006
DOCKET NO.: VIS/002
APPLICANT: Rafferty, Richard A.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input type="checkbox"/> Petition	<input type="checkbox"/> RCE Transmittal Letter (2 copies)
<input type="checkbox"/> Disclosure Statement & PTO-1449	<input type="checkbox"/> Fee Transmittal (2 copies)
<input type="checkbox"/> Priority Document	<input type="checkbox"/> Deposit Account Transaction
<input type="checkbox"/> Drawings (___ sheets) informal	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
<input type="checkbox"/> Response to Office Action dated 7/5/05	dated <u>January 22, 2007</u>
<input checked="" type="checkbox"/> Communication	

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 on January 22, 2007 facsimile No. (571) 273-8300.

Sujata Barot
Name of person signing this certificate


Signature and date

PTO/SB/21 (03-04)

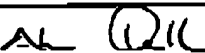
Approved for use through 07/31/2008, OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/579,426	
	Filing Date	May 12, 2006	
	First Named Inventor	Rafferty	
	Art Unit	2615	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	2	Attorney Docket Number	VIS/002

RECEIVED
CENTRAL FAX CENTER
JAN 22 2007

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): CORRESPONDENCE CUSTOMER NO. 54698
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	Moser IP Law Group	
Signature		
Printed Name	Alan Taboada	
Date	1/22/07	Reg. No. 51.359

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	SUJATA BAROT	Date	January 22, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 22 2007

Date of Deposit: January 22, 2007
U.S. Serial No. 10/579,426
Ref. No. VIS002
Page 1 of 1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


Applicant:	Richard A. Rafferty	Examiner:	Unknown
Serial No.:	10/579,426	Group Art Unit:	2615
Filed:	May 12, 2006	Docket No.:	VIS002
Title:	HEARING AID THAT FACILITATES REMOVAL OF EARWAX AND TRAPPING OF MOISTURE		

DATA PROVIDED BY APPLICANT NOT CONSISTENT WITH PTO RECORDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the filing receipt dated January 11, 2007 in which the data provided by applicant is not consistent with PTO records. The agent for the Applicant is in agreement that the correct International filing date for the PCT priority application, PCT/US04/37733 is November 12, 2004.

Respectfully submitted,



ALAN TABOADA, Attorney
Reg. No. 51,359
(732) 935-7100

Moser IP Law Group
1040 Broad Street, 2nd Floor
Shrewsbury, NJ 07702